

R277. Education, Administration.

R277-525. Special Educator Stipends.

R277-525-[2]1. Authority and Purpose.

[A-](1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board[;];

(b) ~~[Section 53A-1-401(3)]~~ Subsection 53E-3-401(4), which ~~[permits]~~ allows the Board to ~~[adopt rules in accordance with its responsibilities;]~~ make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) ~~[Section 53A-17a-158]~~ Subsection 53F-2-310(2), which requires the Board to distribute money appropriated for stipends for special educators for additional days of work.

[B-](2) The purpose of this rule is provide standards and procedures for distributing money appropriated for stipends for special educators for additional days of work, recognizing:

([1]a) ~~[in recognition of]~~ the added duties and responsibilities assumed by special educators to comply with federal law and Board special education rules regulating the education of students with disabilities; and

([2]b) the need to attract and retain qualified special educators.

R277-525-[4]2. Definitions.

[A-](1)(a) "After the school year" means two weeks after the final day of the required contract period, as determined by the employer.

(b) For year-round schools, "after the school year" ~~[means]~~ includes off-track periods, but not vacation periods.

[B-](2) "Before the school year" means two weeks before the first day of the required contract period, as determined by the employer.

~~[C. "Board" means the Utah State Board of Education.]~~

~~[D-](3) "Comprehensive Administration of Credentials for Teachers in Utah Schools"~~
or "[CACTUS]" means the electronic file maintained on all licensed Utah educators~~[-The~~

file], which includes information such as:

([1]a) personal directory information;

([2]b) educational background;

([3]c) endorsements;

([4]d) employment history; and

([5]e) a record of disciplinary action taken against the educator.

~~[E-](4)(a)~~ "Duties related to the IEP process" means;

([1]i) duties/responsibilities provided in ~~[53A-17a-156(4)]~~ Subsection 53F-2-310(4);

([2]ii) preparing paperwork related to the implementation of IDEA; and

([3]iii) other duties or responsibilities related to the IEP process, as determined by the special educator.

(b) "Duties related to the IEP process" do not include:

([1]i) professional development;

([2]ii) district level planning; and

([3](iii)) direct student instruction.

~~[F. "Federal law regulating students with disabilities" means the Individual with Disabilities Education Act (IDEA), Title 1, Part A, Section 602.~~

~~—— G. "LEA" means a local education agency, including local school boards/public school districts and charter schools.]~~

~~[H-](5)~~ "Special educator[;]" ~~[for purposes of this rule,]~~ means:

([1]a) a licensed "special education teacher ~~[as defined under 53A-17a-158(e)]~~;" or

([2](b)) a licensed speech-language pathologist ~~[as defined under Section 53A-17a-158(c)]~~.

~~[I-](6)~~ "Special education teacher" ~~[means an individual who has a Utah educator license with a special education area of concentration and whose primary assignment is the instruction of students with disabilities who are eligible for special education services]~~
has the same meaning as described in Subsection 53F-2-310(1)(b).

~~[J-](7)~~ "Speech-language pathologist" means:

(a) an individual who has a Utah educator license with a speech-language pathologist area of concentration; or

(b) a speech-language pathologist license; and
(c) whose primary assignment is the instruction of students with disabilities who are eligible for special education services.

~~[K. "USOE" means the Utah State Office of Education.]~~

~~[(L)](8) "Work day for special educator" means the special educator's contract day as determined by the employer. [Stipends shall only be paid for actual days worked. A teacher shall not be paid if days/hours are not actually worked. Days are not transferable among teachers.]~~

R277-525-3. LEA Responsibilities.

~~[A.](1) An LEA[s] shall contract with individual special educators[, defined under R277-525-4F,] and request in writing from the special educators:~~

~~[(1)a) the number of days [(not to exceed 10 or the number of days established by the Board)] that the special educator commits to work consistent with [R277-525-1G and H] Subsection 53F-2-310(4)(b); and~~

~~[(2)b) [the time period (before the school year begins or after the school year ends) that the special educator commits to working the additional days] whether the special educator will work the additional contract days before the school year begins or after the school year ends.~~

~~[B.](2) A [Special educators] special educator hired by an LEA[s] after October 15 [shall] may receive funding for extra days to the extent of funds available.~~

~~[C.](3) An LEA[s] shall [maintain a record of] report to the Superintendent the number of days worked by a special educator[s] [on] [CACTUS] as follows:~~

~~[(1)a) no later than October 1 for a special educator[s] who worked before the school year began; and~~

~~[(2)b) no later than June 30 for a special educator[s] who worked after the school year ended.~~

(4) An LEA may only pay special educator stipend under this rule for actual days worked.

(5) An LEA may not transfer stipend work days under this rule among teachers.

[D-](6) An LEA[s] shall submit a final report to the [USOE] Superintendent no later than June 30 annually that provides:

([1]a) the number of contract days worked by designated special educators; and

([2]b) other assessment or evaluation information requested ~~[from the USOE]~~ by the Superintendent.

R277-525-4. [Board/USOE] Superintendent Responsibilities.

[A-](1) The [Board] Superintendent shall annually review this program and ~~[determine]~~ recommend to the Board, based upon the annual appropriation, the number of special education days ~~[that shall]~~ to be funded.

[B-](2) To simplify accounting and evaluation requirements for LEAs, the [USOE] Superintendent shall:

([1]a) provide model tracking and accounting materials to LEAs;

([2]b) provide a checklist of appropriate duties or tasks for special educators consistent with Subsection R277-525-[1E]2(4);

([3]c) distribute funds to participating LEAs for eligible special educators on a semiannual basis; and

~~[(4) request and collect data based on the number of work days reported on CACTUS by October 1 and June 30 or both, as requested by the Board.]~~

KEY: special educators, stipends

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Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-17a-158